

Application No. 10/614,244
Amendment dated February 3, 2006
Reply to Office Action of October 5, 2005

Docket No.: 21776-00052-US1

REMARKS

Claims 3, 4, 23, and 26-34 are now pending in this application. Claims 3 and 26 are independent. Claim 23 has been amended; claims 1-2, 5-12, and 20-22 have been canceled; and claims 26-34 have been added by this Amendment. No new matter is involved with any claim amendment or new claim.

Anticipation Rejection Over Grebinski '536

Withdrawal of the rejection of claims 1-5 and 20-23 under 35 U.S.C. 102(b) as being anticipated by Grebinski (US 4,778,536) is requested. Claims 1-2, 5-12, and 20-22 have been canceled, thus rendering their rejection moot.

Applicants note that anticipation requires the disclosure, in a prior art reference, of each and every limitation as set forth in the claims.¹ There must be no difference between the claimed invention and reference disclosure for an anticipation rejection under 35 U.S.C. §102.² To properly anticipate a claim, the reference must teach every element of the claim.³ "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference".⁴ "The identical invention must be shown in as complete detail as is contained in the ...claim."⁵ In determining anticipation, no claim limitation may be ignored.⁶

As for independent claim 3, the applied art does not disclose an apparatus for removing a resist film used in a lithographic process, wherein, among other features, "...said resist film is peeled off by an action of said saturated steam...", as recited in independent claim 3.

Claim 23 has been amended to now depend from independent claim 3.

¹ *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985).

² *Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 USPQ2d 1001 (Fed. Cir. 1991).

³ See MPEP § 2131.

⁴ *Verdegaal Bros. v. Union Oil Co. of Calif.*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

⁵ *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

⁶ *Pac-Tex, Inc. v. Amerace Corp.*, 14 USPQ2d 187 (Fed. Cir. 1990).

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Accordingly, since the applied art does not disclose all the claim limitations, reconsideration and allowance of claim 3 are requested. Further, dependent claims 4 and 23 are submitted as being allowable at least on that basis, without recourse to the further patentable features contained therein.

Unpatentability Rejection over Grebinski '536

Withdrawal of the rejection of claims 6-7 and 12 under 35 U.S.C. 103(a) as being unpatentable over Grebinski is requested. These claims have been canceled, thus rendering their rejection moot.

Unpatentability Rejection over Grebinski in view of Franca et al. or Vig et al.

Withdrawal of the rejection of claims 8 and 11 under 35 U.S.C. 103(a) as being unpatentable over Grebinski '536 in view of Franca et al. (US 6,178,973) or Vig et al. (US 4,028,135) is requested. Claims 8 and 11 have been canceled, thus rendering their rejection moot.

Unpatentability Rejection over Grebinski in view of Kunze-Concewicz

Withdrawal of the rejection of claims 9 and 10 under 35 U.S.C. 103(a) as being unpatentable over Grebinski '536 in view of Kunze-Concewicz (US 5,964,952) is requested. Claims 9 and 10 have been canceled, thus rendering their rejection moot.

Indefiniteness Rejection

Withdrawal of the rejection of claim 8 under 35 U.S.C. 112, second paragraph, as being indefinite is requested. Claim 8 has been canceled, thus rendering its rejection moot.

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Claim Objections

Withdrawal of the objection to claims 1, 6, and 23 is requested. Claims 1 and 6 have been canceled, thus rendering their objection moot. Claim 23 has been amended to now depend from independent claim 3, and is believed to be in proper form in all respects.

New Claims

New independent claim 26 and dependent claims 27-34 depending therefrom have been drafted to avoid the applied art, and to further define that which Applicants regard as their invention. Support for these new claims is found at least in FIG. 6 and the accompanying specification paragraphs [0286] through [0294]. No new matter is involved with any new claim.

Consideration and allowance of claims 26-34 are respectfully requested.

Conclusion

In view of the above amendment and remarks, Applicants believe that each of pending claims 3, 4, 23, and 26-34 in this application is in immediate condition for allowance. An early indication of the same would be appreciated.

In the event the Examiner believes that an interview would be helpful in resolving any outstanding issues in this case, the undersigned attorney is available at the telephone number indicated below.

For any fee that is due, including fees for extensions of time, please charge CBLH Deposit Account No. 22-0185, under Order No. 21776-00052-US1 from which the undersigned is authorized to draw.

Respectfully submitted,

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